

85th Legislative Session – 2010

Committee: House Commerce

Wednesday, February 10, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Blake
P Conzet
P Fargen
P Greenfield
P Jensen
P Kirschman
P Krebs
P Novstrup (David)
P Nygaard
P Pitts
P Solberg
P Solum, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Rounds.

MOTION: TO APPROVE THE MINUTES OF FEBRARUY 3, 2010

Moved by: Solum
Second by: Nygaard
Action: Prevailed by voice vote.

MOTION: REFER HB 1165 TO LOCAL GOVERNMENT

Moved by: Solum
Second by: Krebs
Action: Prevailed by voice vote.

HB 1155: require the registration of certain anemometer towers used for wind energy testing purposes and to declare an emergency.

Presented by: Representative Jason Frerichs

Proponents: Terry Barber, Self, Onida
Tim Grayson, Self, Huron
John Barber, Self, Onida
Wade Schultz, Self, Huron
Heath Kretschmar, Self, Huron
Steve Kolbeck, Public Utilities Commission

Opponents: Mike Shaw, Invenergy

MOTION: DO PASS HB 1155

Moved by: Fargen

Second by: Blake

Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Blake, Fargen, Kirschman, Nygaard, Solberg

Voting No: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Pitts, Solum, Rounds

MOTION: TO TABLE HB 1155

Moved by: Greenfield

Second by: Pitts

Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Conzet, Greenfield, Jensen, Krebs, Novstrup (David), Pitts, Solum, Rounds

Voting No: Blake, Fargen, Kirschman, Nygaard, Solberg

HB 1158: require the prompt payment of certain suppliers of property and services under a contract with a public agency.

Presented by: Representative Kent Juhnke

Proponents: Dawna Leitzke, SD Petroleum & Propane Marketers Association
Wayne Lundquist, Self, Reliance
Shawn Lyons, SD Retailers Association

Opponents: Deb Mortenson, Associated General Contractors of SD, Incorporated.

MOTION: DO PASS HB 1158

Moved by: Pitts
Second by: Fargen
Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Nygaard, Pitts, Solberg, Solum

Voting No: Rounds

HB 1217: regulate passenger elevators, escalators, and similar conveyance facilities.

Presented by: Representative Oran Sorenson
Proponents: Gordon Eitreim, Self, Garretson
Mark Mullins, Self, West Virginia
Yvonne Taylor, SD Municipal League
Opponents: Mike Houdyshell, Department of Public Safety
Kathleen Zander, SD Grain and Feed Assn
Shawn Lyons, SD Retailers Association

MOTION: DEFER HB 1217 TO THE 41ST LEGISLATIVE DAY

Moved by: Novstrup (David)
Second by: Fargen
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Conzet, Fargen, Greenfield, Jensen, Krebs, Novstrup (David), Nygaard, Pitts, Solum, Rounds

Voting No: Blake, Kirschman, Solberg

HB 1180: provide for the issuance of an on-sale license and malt beverage license for the county fairgrounds and to authorize municipalities and counties to issue an additional on-sale license.

Presented by: Representative Kristin Conzet
Proponents: Ronald Jeffries, Central States Fair

MOTION: AMEND HB 1180

1180ra

On page 1 of the printed bill, delete lines 7 to 9, inclusive, and insert "Any county".

On page 2, line 1, after "." insert "The license shall be issued without regard to the population limitations established pursuant to §§ 35-4-11 and 35-4-11.1.".

Moved by: Greenfield
Second by: Krebs
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1180 AS AMENDED

Moved by: Krebs
Second by: Nygaard
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Nygaard, Pitts, Solum

Voting No: Solberg, Rounds

MOTION: AMEND TITLE OF HB 1180

1180sta

On page 1, line 2, of the printed bill, delete "municipalities and".

Moved by: Greenfield
Second by: Nygaard
Action: Prevailed by voice vote.

HB 1173: provide certain provisions concerning the notice and interconnection of video programming and rural telephone service and to establish certain penalties.

Presented by: Representative Deb Peters
Proponents: Dave Gerdes, Midcontinent Communications
Rolayne Wiest, Public Utilities Commission
Opponents: Greg Dean, SD Telecommunications Association

MOTION: AMEND HB 1173

On page 1 of the printed bill, delete lines 5 to 15, inclusive.

On page 2, delete lines 1 to 3, inclusive.

On page 2, line 8, delete "twenty" and insert "fifty".

On page 2, delete lines 11 to 24, inclusive.

Delete pages 3 and 4, inclusive

Moved by: Nygaard
Second by: Jensen
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1173 TO THE 41ST LEGISLATIVE DAY

Moved by: Greenfield
Second by: Krebs
Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),
Pitts, Solberg, Solum, Rounds

Voting No: Nygaard

MOTION: ADJOURN

Moved by: Pitts
Second by: Solum
Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Tim Rounds, Chair

Committee Agenda

Committee: House Education
Room: 413
Date: Wednesday, February 10, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1152](#) **require the Department of Education to develop a framework for entrepreneurship education.**

Representatives Krebs, Bolin, Boomgarden, Brunner, Deadrick, Elliott, Fargen, Schlekeway, Sly, Sorenson, and Thompson and Senators Maher, Bartling, Garnos, Jerstad, Knudson, Miles, and Peterson

[HB 1160](#) **allow a home school student to participate in the opportunity scholarship program under certain circumstances.**

Representatives Lederman, Brunner, Fargen, Hamiel, Hunt, Kopp, McLaughlin, Olson (Betty), Sly, Sorenson, Steele, and Van Gerpen and Senators Adelstein, Dempster, Fryslie, Gillespie, Novstrup (Al), Peterson, and Rhoden

[HB 1247](#) **provide for the establishment of school administration regions and to provide for the sharing of certain school administrators and school service specialists among school districts.**

Representatives Sly, Brunner, Conzet, Gosch, Killer, Kirkeby, Lust, McLaughlin, and Peters and Senators Bradford, Abdallah, and Adelstein

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[HB 1129](#) **provide for the early reinstatement of a student expelled from school under certain circumstances.**

Representatives Steele, Bolin, Elliott, Hamiel, Hoffman, Hunhoff (Bernie), Hunt, Kopp, Lederman, Noem, Olson (Betty), Russell, Schlekeway, Van Gerpen, Vanneman, and Verchio and Senators Garnos, Abdallah, Gray, Jerstad, and Novstrup (Al)

ED MCLAUGHLIN, Chair

Committee Agenda

Committee: House Judiciary
Room: 413
Date: Wednesday, February 10, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1119](#) **prohibit certain acts of sexual penetration and contact between certain high school employees and students and to provide penalties therefor.**

Representatives Hoffman, Bolin, Brunner, Elliott, Engels, Kirkeby, Kopp, Krebs, Noem, Novstrup (David), Russell, Turbiville, and Vanderlinde and Senators Gray, Abdallah, Ahlers, Bartling, Brown, Dempster, Fryslie, Gant, Kloucek, Merchant, and Tieszen

[HB 1105](#) **permit the record of a person's conviction or arrest to be expunged.**

Representatives Cutler, Deadrick, Engels, Feinstein, Gosch, Kirkeby, McLaughlin, Rave, Romkema, and Turbiville and Senators Nelson, Abdallah, Gray, Maher, Tieszen, and Turbak Berry

[HB 1104](#) **limit the source of recovery in certain civil actions for childhood sexual abuse injuries.**

Representatives Deadrick and Juhnke and Senator Garnos

[HB 1110](#) **revise certain provisions relating to statutory rape and statutory sexual contact.**

Representatives Engels, Cutler, Feinstein, Gibson, Gosch, Hoffman, Killer, and Turbiville and Senators Turbak Berry, Abdallah, Gant, and Jerstad

[HB 1244](#) **increase the penalty for solicitation of a minor.**

Representatives Cutler, Blake, Conzet, Cronin, Curd, Engels, Novstrup (David), Peters, Steele, and Turbiville and Senators Gray, Abdallah, Bartling, Peterson, and Tieszen

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

JONI M. CUTLER, Chair

Committee Agenda

Committee: House State Affairs
Room: 414
Date: Wednesday, February 10, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1199](#) **provide for the temporary curtailment of out-of-state legislative travel.**
Representatives Krebs, Bolin, Curd, Gibson, Greenfield, Hamiel, Hunhoff (Bernie), Hunt, Lederman, Lucas, McLaughlin, Olson (Betty), Rounds, Sorenson, and Turbiville and Senators Turbak Berry, Abdallah, Adelstein, Bartling, Jerstad, Maher, and Olson (Russell)

[HB 1200](#) **provide for a temporary decrease in legislative salaries.**
Representatives Krebs, Curd, Gibson, Hunhoff (Bernie), Juhnke, Kirkeby, Lederman, Lucas, McLaughlin, Olson (Betty), Schlekeway, and Turbiville and Senators Bartling, Adelstein, Dempster, Garnos, Jerstad, and Olson (Russell)

[HB 1233](#) **provide for a temporary reduction of the salaries of legislators and certain state officers and employees and to declare an emergency.**
Representatives Nygaard, Blake, Burg, Dennert, Engels, Feinstein, Frerichs, Gibson, Hunhoff (Bernie), Kirkeby, Lange, Lucas, Schrempp, Solberg, Sorenson, Thompson, Van Gerpen, and Vanderlinde and Senators Bradford and Turbak Berry

THE FOLLOWING BILLS (ABOVE THE LINE) HAVE BEEN PLACED ON THE AGENDA FOR REFERRAL TO OTHER COMMITTEES

[HB 1144](#) **revise the Human Relations Act to include additional categories of persons.**
Representatives Peters, Blake, Cutler, Dennert, Engels, Fargen, Gibson, Hunhoff (Bernie), Krebs, McLaughlin, Romkema, Solberg, Thompson, Turbiville, Vanderlinde, and Wismer and Senators Turbak Berry, Abdallah, Adelstein, Bradford, Jerstad, Maher, Merchant, Nelson, Nesselhuf, and Tieszen

[HB 1184](#) **revise employee sick leave used for the care of a spouse, child, or parent of the employee if the spouse, child, or parent has a serious health condition.**
Representatives Jensen, Bolin, Brunner, Conzet, Curd, Fargen, Feickert, Feinstein, Kirkeby, Kirschman, Lange, Lederman, Moser, Noem, Olson (Betty), Russell, Sly, Solum, Steele, Van Gerpen, and Verchio and Senators Bartling, Fryslie, Heidepriem, Jerstad, Kloucek, Maher, and Turbak Berry

[HB 1245](#) **repeal the death penalty and commute certain death sentences to life imprisonment.**
Representatives Lange, Blake, Feickert, Hunhoff (Bernie), Kirschman, Lucas, Nygaard, Schrempp, Solberg, and Thompson and Senators Hundstad, Jerstad, and Merchant

- [HJR 1001](#) **Proposing and submitting to the electors at the next general election a new section to Article XXI of the Constitution of the State of South Dakota, relating to freedom of choice in health care.**
Representatives Jensen, Bolin, Brunner, Curd, Greenfield, Kirkeby, Kopp, Lederman, Moser, Novstrup (David), Russell, and Steele and Senators Maher, Abdallah, Novstrup (Al), and Schmidt
- [HB 1107](#) **require the operation of driver license examination stations in certain locations.**
Representatives Van Gerpen, Fargen, Frerichs, Hoffman, Juhnke, Lucas, Steele, Street, and Wismer and Senators Hanson (Gary) and Frysliie
- [HB 1134](#) **revise the organizational status of the Mike Durfee State Prison.**
Representatives Van Gerpen, Hamiel, Hoffman, Kirkeby, Kopp, Lederman, Putnam, Russell, Sorenson, Street, and Verchio and Senators Bradford, Adelstein, Bartling, Frysliie, and Peterson
- [HB 1178](#) **prohibit the use of certain wireless communications devices while driving.**
Representatives Nygaard, Blake, Bolin, Conzet, Engels, Lucas, Olson (Betty), Sly, Solberg, Turbiville, and Wink and Senators Tieszen, Abdallah, Merchant, Miles, Nelson, Nesselhuf, Schmidt, and Vehle
- [HB 1221](#) **expand the authority of the state auditor and the state treasurer to monitor public funds in local bank accounts.**
Representatives Hunhoff (Bernie) and Turbiville and Senators Bartling and Abdallah
- [HB 1169](#) **prohibit businesses and employers from establishing certain policies against the ability of an invitee or employee to store firearms and ammunition in a locked motor vehicle parked on the premises.**
Representatives Lederman, Bolin, Brunner, Cronin, Curd, Faehn, Frerichs, Gosch, Greenfield, Hamiel, Hoffman, Jensen, Kirkeby, Kopp, Moser, Novstrup (David), Olson (Betty), Olson (Ryan), Putnam, Rausch, Rave, Russell, Schlekeway, Sorenson, Tidemann, Verchio, and Wink and Senators Maher, Abdallah, Adelstein, Bartling, Brown, Frysliie, Gant, Garnos, Gillespie, Gray, Hansen (Tom), Hunhoff (Jean), Novstrup (Al), Olson (Russell), Peterson, Rhoden, and Schmidt
- [HB 1194](#) **revise certain provisions concerning wind easements and to specify certain information to be included in the recorded documents.**
Representatives Rausch, Brunner, Burg, Dennert, Faehn, Fargen, Feickert, Feinstein, Frerichs, Hunhoff (Bernie), Jensen, Juhnke, Lange, Lucas, Novstrup (David), Peters, Pitts, Romkema, Rounds, Schlekeway, Solum, Sorenson, Street, Thompson, Tidemann, Turbiville, and Vanneman and Senators Olson (Russell), Abdallah, Ahlers, Bartling, Bradford, Brown, Dempster, Frysliie, Gillespie, Hansen (Tom), Hanson (Gary), Heidepriem, Jerstad, Kloucek, Knudson, Merchant, Nesselhuf, Peterson, Turbak Berry, and Vehle
- [HB 1225](#) **provide for a process to limit state government spending.**
Representatives Sorenson and Hunhoff (Bernie) and Senators Heidepriem, Abdallah, and Merchant

[HJR 1003](#) **Proposing and submitting to the electors at the next general election an amendment to Article XII of the Constitution of the State of South Dakota, relating to the limitation of expenditures for the State of South Dakota.**
Representatives Hunhoff (Bernie) and Elliott and Senators Heidepriem, Abdallah, Bradford, Maher, and Merchant

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[HB 1093](#) **revise the open meeting requirement to permit the use of teleconferencing for rule-making and other purposes.**
Representatives Hunt, Gibson, and Lust and Senators Hunhoff (Jean), Gant, and Hundstad

BOB FAEHN, Chair